

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 12, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSHUA G.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:20-cv-05188-MKD

ORDER ADOPTING REPORT
AND RECOMMENDATION

ECF Nos. 1, 25, 33

Before the Court is Magistrate Judge Ekstrom's July 26, 2022 Report and Recommendation. ECF No 33. Judge Ekstrom recommends that the Court grant Defendant's amended Motion to Dismiss because the Court lacks jurisdiction due

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 to Plaintiff's death prior to commencement of the suit. *Id.* at 3. Plaintiff did not
2 file any objections to the Report and Recommendation.

3 After reviewing the Report and Recommendation, and relevant authorities,
4 the Court finds the Magistrate Judge's findings are correct. Therefore, the Court
5 adopts the Report and Recommendation in its entirety.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. The Report and Recommendation, **ECF No. 33**, is **ADOPTED** in its
8 entirety.

9 2. Defendant's Motion to Dismiss, **ECF No. 25**, as amended at **ECF No.**
10 **29**, is **GRANTED**.

11 3. Plaintiff's Complaint, **ECF No. 1**, is **DISMISSED** without prejudice.

12 4. Plaintiff shall provide notice of the dismissal to any and all Defendant(s)
13 served with a copy of the Complaint and summons.

14 5. The Clerk's Office is directed to enter **JUDGMENT** and **CLOSE** the
15 file.

16 **IT IS SO ORDERED.** The District Court Executive is directed to file this
17 Order, and provide copies to counsel.

18 DATED August 12, 2022.

19 *s/Mary K. Dimke*

20 MARY K. DIMKE

UNITED STATES DISTRICT JUDGE